



Summary of President Trump's Memo Calling for Major Changes to Asylum Rules

President Trump issued a "[Presidential Memorandum on Additional Measures to Enhance Border Security and Restore Integrity to Our Immigration System](#)" on April 29, 2019, calling upon the U.S. Attorney General and the Secretary of the Department of Homeland Security (DHS) to propose new regulations implementing significant policy changes to the U.S. asylum system. The memo directs them to issue regulations within 90 days -- by July 28, 2019 -- that would restrict access to asylum for broad categories of asylum seekers.

Under the memo, the new regulations would:

- Prevent asylum seekers from pursuing any other available immigration relief, as allowed by the current law, once they apply for asylum.
 - *Analysis:* Preventing migrants from applying for other forms of immigration relief will put an additional burden on our immigration courts and add to the already historically high [backlog](#) of immigration cases because even individuals who have other options to immigrate would stay in the system until the judges decide their claims, which may take years. This provision would punish individuals for seeking asylum by limiting the options they could pursue to stay in the U.S..
- Require immigration courts to process and decide each asylum case within 180 days of filing.
 - *Analysis:* Without sufficient additional resources for immigration courts, the 180-day deadline is not feasible. The 180-day deadline will strain even more our already overwhelmed immigration courts and may pressure immigration judges into making hasty decisions and cutting corners to meet the deadline.
- Set a fee for asylum applications and initial employment authorization applications.
 - *Analysis:* Requiring application fees from those seeking asylum is a departure from America's values and traditional role as a haven to those fleeing persecution. It would make the U.S. one of the few countries which signed on to the 1951 Convention and/or 1967 Protocol that impose fees on migrants seeking humanitarian protection. USCIS processing fees can amount in hundreds of dollars and would be an additional burden on asylum seekers already facing desperate situations. The vast majority of migrants at the southern border come from the [Northern Triangle countries](#), which have high levels of poverty. The average per capita GDP was an estimated \$5,600 in [Honduras](#), \$8,200 in [Guatemala](#), and \$8,000 in [El Salvador](#) in 2017, with migrants typically earning less than the averages.
- Bar asylum seekers, who attempted to enter or crossed the U.S. southern border between ports of entry, from receiving work authorization before they are granted asylum.
 - *Analysis:* Denying work authorization to asylum applicants is counterproductive. Asylum seekers are not eligible for most government benefits and are provided

with work permit to allow them to support themselves while the courts process their cases. Preventing asylum seekers from receiving work authorization will only result in driving them to unauthorized work, undercutting efforts to discourage black market labor.

- Assign immigration officers and other DHS employees to assist with adjudication of asylum claims, including conducting credible fear interviews and to strengthen enforcement of immigration laws.
 - *Analysis:* While the National Immigration Forum supports efficient use of resources to better manage the flow of migrants and agrees with allocating additional USCIS asylum officers and personnel to the border region to support more efficient adjudication of asylum claims, asylum officers and additional personnel must receive appropriate [training](#) such as what USCIS asylum officers [currently receive](#) which consists of weeks of in-person training with several separate sessions focusing on specific skills and information as well as on-going weekly training sessions before they start to work at the border. DHS should manage the reallocations to minimize disrupting other parts of the border processing systems.